



ఆంధ్రప్రదేశ్ రాజ పత్రము
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

W.No.38

AMARAVATI, TUESDAY, SEPTEMBER 24, 2024

G.491

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

--X--

NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**I ADDITIONAL CIVIL JUDGE'S COURT (SENIOR DIVISION)
GUNTUR**

Wednesday, this the 10th day of July, 2024

I.A.No.573/2024 in I.P.No.17/2020

Between:

1. Kola Chitti Babu, S/o Nalla Pinnaiah @ Pinnaiah.
2. Kola Hanuman, S/o Kola Chitti Babu
Both are residing at Door No.11-71/1, Vejandla village,
Chebrole Mandal, Guntur District:

. Petitioners/ Respondents

And

Abbarla Chinna Narasimha Rao, S/o Door No.14-64-11,
Flat No.504, Thulluri Towers, Marrispeta, Tenali.

. Respondent

-c00-

This petition is came before me for hearing on 10.7.2024 in the presence of Sri A. Rama Mohan Rao, learned counsel for Petitioners and Sri. B. Vijaya Kumar, Learned counsel for Respondent and upon hearing both sides, and upon perusing the material papers on record, and having stood over for consideration till this day, this court delivered the following;

ORDER

1. Heard.
2. Perused the record.
3. This petition is filed U/Sec.35 of the Provincial Insolvency Act to annul the adjudication of insolvency.

4. It is the case of petitioners that as per the compromise, 1st petitioner paid Rs.1,90,000/- to the respondent/petitioner in main I.P. towards full and final settlement and hence, they urged the court to annul adjudication of insolvency.
5. It is evident from record that respondent filed creditor I.P. against petitioners herein to adjudge the 1st petitioner as insolvent. The said I.P. is allowed by adjudging the 1st petitioner herein as insolvent and communicated the orders to the District Collector for making Gazettee notification in compliance with Sec.30 of the Act.
6. As seen from record, respondent herein filed a suit in O.S.180/2022 on the file of I Addl. Civil Judge (Junior division), Tenali against 1st petitioner herein for recovery of money. The said suit amount is connecting to subject matter debt in main creditor I.P. Suit is pending by the date of disposal of creditor I.P.
7. The present petition is filed to annul the adjudication of insolvency. They filed certified copy of memo filed by plaintiff in O.S.No.180/2022 stating that he received demand draft of Rs.1,90,000/- from the 1st petitioner herein towards full and final settlement and urged the court to dismiss the suit as not pressed.
8. Further, petitioners filed certified copy of judgment in O.S.180/2022 it evince that suit was dismissed as not pressed in view of settlement of suit in O.S.180/2022, and I.P.17/2020 on the file of this court.
9. Respondent reported no objection to allow the petition by making endorsement on notice memo.
10. Sec.35 of the Provincial Insolvency Act empowers the Court to annul the adjudication of insolvency when debts of insolvent/1st petitioner have been paid fully. In the present case also suit debt in O.S.180/2022 connecting to I.P.17/2020 was paid to the respondent. Respondent has not disputed the same.
11. In view of the above facts and circumstances, and discharge of suit debt, connecting to I.P.17/2020, petitioners are entitled to annul the adjudication of insolvency.
12. Hence, petition is allowed by annul the adjudication of insolvency.
13. Office is directed to communicate the annul the adjudication of insolvency to the District Collector for making Gazettee notification.
14. The petitioner shall pay requisite charges to the State.

Given under my hand and the seal of the Court, this the 10th day of July, 2024.

Y. GOPALA KRISHNA,

I Additional Civil Judge(Senior Division),
Guntur.

Appendix of Evidence

-Nil on either side-

Y. GOPALA KRISHNA,

I Additional Civil Judge(Senior Division),
Guntur.

[Dis.No. 1389.